THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

W.P.NO.22001 OF 2006

O R D E R (Per the Hon'ble Smt. Justice T.Meena Kumari)

Heard both the counsel.

2. Aggrieved by the order dated 13.07.2006 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.5471 of 2004, the Government filed the present writ petition.

3. From the material available on record, it could be seen that the respondent who is a retired Deputy Executive Engineer along with co-delinquents, was charged with certain irregularities and after the submission of the report of the enquiry officer, the respondent was issued with a show cause notice and the respondent submitted his explanation and not being satisfied with the same, the respondent was imposed with the punishment of withholding the entire pension and gratuity. It is conspicuous to note that the co-delinquents, who faced similar charges and enquiry, were imposed punishment of 2 per cent cut in the pension. Therefore, considering this circumstance and also considering the fact that the respondent served for thirty long years in the department and attained superannuation, and further considering the facts and circumstances of the case, the Tribunal holding that the imposition of punishment of withholding of entire pension and gratuity, as disproportionate, remanded the matter to the Government to consider the case of the respondent afresh with regard to quantum of punishment within a period of six weeks from the date of the receipt of a copy of this order.

4. In view of the above facts and circumstances and as the co-

delinquents have been imposed lesser punishment than the respondent, we are of the view that the Tribunal taking into consideration of the Division Bench judgment of this court ***D.VITTAL v. REGISTRAR (Administration), HIGH COURT OF ANDHRA PRADESH, HYDERABAD***[1], has rightly remanded the matter to the Government. Hence, we do not find any merit in the writ petition and the same is dismissed. No costs.

T.MEENA KUMARI,J

G.CHANDRAIAH,J

AVS
DATE:08.10.2007

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[1] 2002(4) ALD 58